

February 12, 2003

Exemption No. 7980
Regulatory Docket No. FAA-2002-13274

Mr. George U. Carneal
Counsel for China Airlines, Ltd.
Hogan & Hartson
555 13th Street NW.
Washington, DC 20004-1109

Dear Mr. Carneal:

By letter dated September 3, 2002, you petitioned the Federal Aviation Administration (FAA) on behalf of China Airlines, Ltd. (CAL), for an extension of and amendment to Exemption No. 4849, as amended. That exemption from § 61.77(a) and (b) and § 63.23(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) expired July 31, 2002; therefore, the FAA is processing your request as a petition for a new exemption. The proposed exemption, if granted, would permit CAL airmen who operate certain U.S.-registered aircraft that are leased to a non-U.S. citizen, for carrying persons or property for compensation or hire, to be eligible for a special purpose pilot authorization and a special purpose flight engineer certificate, without holding a current foreign license or certificate issued by a foreign contracting state to the Convention on International Civil Aviation (ICAO). The airmen would hold appropriate licenses or certificates issued by the Taiwan Civil Aeronautics Administration (TCAA).

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 4849, as amended (copy enclosed), the FAA found that CAL's petition for exemption would provide a level of safety equivalent to that provided by the regulations. The FAA also found that the certification requirements of the TCAA meet or exceed those established by ICAO. The FAA noted that CAL has operated successfully in a manner similar to that requested under Exemption No. 3360, as amended.

AFS-02-613

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present.

In response to your request for a 3-year exemption, the FAA finds that it is in the public interest to require CAL to show continued justification every 2 years and for the FAA to review the appropriateness of an exemption from safety regulations. Therefore, a 3-year exemption will not be granted.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, China Airlines, Ltd., is granted an exemption from 14 CFR § 61.77(a) and (b) and § 63.23(a) and (b) to permit CAL airmen who operate certain U.S.-registered aircraft that are leased to a non-U.S. citizen, for carrying persons or property for compensation or hire, to be eligible for a special purpose pilot authorization and a special purpose flight engineer certificate, without holding a current foreign license or certificate issued by a foreign contracting state to ICAO, subject to the following conditions and limitations:

1. CAL airmen who operate under this exemption must hold appropriate licenses or certificates issued by the TCAA.
2. CAL may operate its Airbus A300–600R aircraft (registration Nos. N88881, N88887, N8888B, and N8888P) under this exemption.

Please note that in an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's online Docket Management System (DMS) at <http://dms.dot.gov>. This new docket system enables interested persons to submit requests to, view requests on, and download requests from the DMS to comply with 14 CFR § 11.63. Please submit future requests through the DMS.

This exemption terminates on February 28, 2005 unless sooner superseded or rescinded.

Sincerely,

/s/

Louis C. Cusimano

Acting Director, Flight Standards Service

Enclosure